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Patent Application No. 08/000,000

APPLICANT	INVENTOR	ATTORNEY	AGENT	COMMISSIONER
NAVY	08/000,000	Richard B. Phelps	8/000,000	7442

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EXAMINER

THOMAS R. CEPHIA D

APPLICANT PAPER NUMBER

DATE MAILED 06/01/08

Please find below and or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10 090,987

Examiner

Cephia D. Toomer

Applicant(s)

PHILIPS ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extension of time may be available under the provisions of 37 CFR 1.136(a) and (b); however, a reply filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory maximum of thirty (30) days will be considered timely.
- A shortened period for reply is specified above; the maximum statutory period is SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the shortened period for reply will, by statute, cause the application to become ABANDONED. 35 U.S.C. § 133.
- A reply received by the Office after the shortened period for reply will, by statute, cause the application to become ABANDONED. 35 U.S.C. § 133.
- Any reply received by the Office after the shortened period for reply will, by statute, cause the application to become ABANDONED. 35 U.S.C. § 133.

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,6,7 and 12-16 is/are rejected.
- 7) ☐ Claim(s) 2-5 and 8-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. ____.
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and or 121.

Attachment(s)

- 1 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-449)
- 2 ☐ Information on Substantive Statements (PTO-144) (Page 1, 2, 3)
- 3 ☐ Interview Summary (PTO-441) (Page 1, 2, 3)
- 4 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-449)
- 5 ☐ Information on Substantive Statements (PTO-144) (Page 1, 2, 3)
- 6 ☐ Interview Summary (PTO-441) (Page 1, 2, 3)

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DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 7, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa (US 6,464,148).

Costa teaches a snowmaking process wherein 2-50 ppm of a organopolysiloxane is present in water that is made into artificial snow (see abstract; col. 6, lines 43-65; col. 7, lines 20-23). Costa teaches that the siloxane/water mixture is fed continuously under high pressure to at least one orifice of a snow gun. The mixture is released into the atmosphere at a temperature below freezing whereby the mixture crystallizes to form snow. Costa teaches the limitations of the claims other than the differences that are discussed below.

Costa fails to specifically teach aerating the mixture. However, it would be reasonable to expect that aeration occurs when the mixture is sprayed or discharged from the snow gun.

Costa fails to teach that a pump is joined to the mixing means or that a fluid transfer line is joined to the pump. However, it would be reasonable to expect that these components would be part of a snow making system because the polymer/water mixture has to be transferred or pumped from the mixing means to the orifice or nozzle that discharges the mixture into the atmosphere. The limitations that refer to the compress air are disclosed in Costa as conventional means for a snow making system (see col. 1, lines 36-44).

4. Claims 2-5 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest that the drag polymer is polyethylene oxide in a carrier solution.

The prior art made of record but not relied upon is cited for teaching the general state of the snow making art and is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Cephia D. Toomer
Primary Examiner
Art Unit 1714

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June 17, 2003